

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA

DOCKET NO. 98-403-T - ORDER NO. 2000-0501

JUNE 13, 2000

IN RE: Application of Darrell Ellison DBA Ronnie's ) ORDER GRANTING  
Moving Service, 123 Marlboro Drive, ) CONDITIONAL  
Greenville, SC 29605, for a Class E ) CERTIFICATE  
Certificate of Public Convenience and )  
Necessity. )

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Application of Darrell Ellison DBA Ronnie's Moving Service (Ronnie's or Ellison), 123 Marlboro Drive, Greenville, SC 29605 for a Class E Certificate of Public Convenience and Necessity to transport commodities as follows:

Household Goods, As Defined in R. 103-210(1):

Between points and places in Greenville and Spartanburg Counties and  
points and places in South Carolina.

The Commission's Executive Director instructed Ronnie's to publish a Notice of Filing in a newspaper of general circulation in the service area desired. The Notice of Filing instructed the public as to how to file pleadings to participate in the proceedings on the Application. Petitions to Intervene were received from Austin Moving and Storage Co., Inc., Affordable Moving Services, Carey Moving and Storage, Inc., Arrow Moving and Storage, Inc. and Carey Moving and Storage of Greenville, Inc.

A hearing on the Application was held on May 24, 2000 at 10:30 AM in the offices of the Commission, with the Honorable H. Clay Carruth presiding. Ronnie's was

represented by Theo W. Mitchell, Esquire. John E. Austin, Jr. appeared on behalf of the Intervenor Austin Moving and Storage Co., Inc. None of the other intervenors appeared at the hearing. The Commission Staff was represented by F. David Butler, General Counsel.

Ronnie's presented the testimony of Darrell Ellison, owner of the Company, and of Pat Chappellear, George Francis, and Eunice Johnson, shipper witnesses. John E. Austin, Jr. also testified.

Darrell Ellison testified that he was 29 years old, and graduated from high school in 1989. Ellison noted that he had worked for Robert Adams of Adams Moving in Greenville for 10 years. Ellison testified that he has had ten employees in the past, but that his "niche market" was small moves. Ellison testified concerning his equipment and insurance. Under cross-examination, Ellison admitted having pled guilty to two different charges of moving household goods with no authority from this Commission. According to Ellison, there are no outstanding civil judgments against his Company.

Ellison presented the testimony of Pat Chappellear as a shipper witness. Ms. Chappellear testified that Ronnie's moved her when she needed to move fast on very short notice, and could not get any other Company to move her. Ms. Chappellear noted that Ronnie packed her belongings well, and there was no breakage. She stated that the move in question was from an apartment to a condominium, the apartment being located in Greenville County and the condominium being located in Spartanburg County.

George Francis, President of AmCom General Corporation, also testified as a shipper witness. Ronnie's had moved both Mr. Francis' business and his residence in the

upstate area of South Carolina. Ronnie's, according to Mr. Francis, moved him when he needed to move. Mr. Francis testified that he had requested service from other movers in the past, and could not obtain it, when Ronnie's was able to move him.

Eunice Johnson, Ellison's mother also testified. Ms. Johnson testified to the fact that her son works hard, and that there should be room for him in the moving industry in South Carolina.

John Austin, an Intervenor, also testified. Austin stated that he had been in the moving business since 1961, and that he was trying to protect the business that he had built through the years. Austin asked that the Commission keep the playing field level for movers in South Carolina.

S.C. Code Ann. Section 58-23-590(C )(Supp. 1999) states that the Commission shall issue a common carrier certificate of public convenience and necessity if the applicant proves to the Commission that: (1) it is fit, willing, and able to properly perform the proposed service and comply with the provisions of this chapter and the Commission's regulations and (2) the proposed service, to the extent to be authorized by the certificate or permit, is required by the present public convenience and necessity.

We have examined the Application in light of the above-stated standards, along with the relevant testimony, and we must conclude that we have difficulty in two areas. Our first problem is with the Applicant's fitness. Ellison admitted on the witness stand that he pled guilty on two different occasions to moving household goods with no authority from this Commission. Further, the testimony of the shipper witnesses in this case show other various household goods moves with no authority. This is troublesome,

since it brings into question Ronnie's willingness to agree to operate in compliance with the Commission's statutes and regulations. (See Regulation 103-133(1)(a).) Second, at the very most, Ellison has proven that the public convenience and necessity requires his services in a small portion of the Upstate, most particularly between Greenville and Spartanburg Counties. The Applicant has not proven that the public convenience and necessity requires that his services be furnished according to the requested scope listed in the Application, i.e. between points and places in Greenville and Spartanburg Counties and points and places in South Carolina.

We agree that, in other areas other than those identified above, Ellison is fit willing and able, however, because of the recorded violations of the Commission's statutes, we are prone to give less than full authority to transport household goods, even between the above-stated counties of Greenville and Spartanburg.

Accordingly, we grant Ronnie's a conditional Class E Certificate to move household goods between Greenville and Spartanburg Counties for a six months period. This period will begin on the date when Ellison has filed all paperwork in compliance with Commission regulations and he actually is issued the Certificate. At the end of the six months, this Commission will reassess the situation, and decide whether the certificate shall be made unconditional, or whether the certificate shall be terminated, or, in the alternative, have further conditions placed upon it. The Commission's decision in this regard will depend on the Applicant's performance during the conditional period. Further violations of the Commission's statutes and/or regulations may be grounds for a termination of the conditional certificate.

This grant of authority is contingent upon compliance with all Commission regulations as outlined below.

IT IS THEREFORE ORDERED THAT:

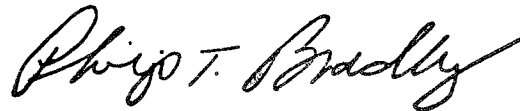
1. The Application of Ronnie's for a Class E Certificate of Public Convenience and Necessity be, and hereby is, approved on a conditional basis to transport household goods between points and places in Greenville and Spartanburg Counties. The Certificate shall be conditional for a six-months period, beginning when the Applicant actually receives the Certificate. At the end of the six-months period, the Commission will reassess the situation and decide whether the certificate shall be made unconditional, whether it shall be terminated, or whether additional conditions shall be imposed on that Certificate. This Commission may hold a hearing on the matter, if appropriate.
2. That the Applicant file the proper license fees and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by R. 103-100 through 103-241 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, and R. 38-400 through 38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 23A (1976), as amended within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.
3. That upon compliance with S.C. Code Ann. Section 58-23-10, et seq. (1976), as amended, and the applicable Regulations for Motor Carriers, S.C. Code Ann.

Vol. 26 (1976), as amended, a certificate shall be issued to the Applicant authorizing the motor carrier service granted herein.

4. That prior to compliance with such requirements and receipt of a certificate, the motor carrier services authorized herein may not be provided.

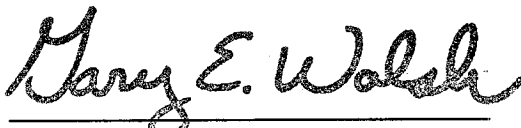
5. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Chairman

ATTEST:



Executive Director

(SEAL)